

FILED

JUN 18 2008 ✓

RICHARD
CLERK, U.S.

FEB 18 2008
RICHARD W. WIEKING, CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA.

RECEIVED

JUN 18 P 5:57

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Cornelius Lopes
Plaintiff,

v.

Fremont Freewheelers, et al.
Defendants,

E-filing

CASE No. C 07 6213 PJH
**PLAINTIFF'S OPPOSITION
TO DISMISSING CLAIMS**

Plaintiff is introducing points and authorities as to why his claims should not be dismissed.

Introduction

Plaintiff was jogging in Newark for 1-1/2 hours in an industrial park on the street closest to the curb in a counter clock wise position. On or around 8:15 am he was struck head on by three cyclists, knocked unconscious and rushed by EMS to Kaiser Hospital in Fremont where hospital records show he was in and out of consciousness. See exhibit P.

Plaintiff was never told he was a suspect nor was the plaintiff given a Miranda warning, yet K&K Insurance and the Newark Police questioned me regarding the accident.

In exhibit Q, from the caption at the bottom this photo was taken on 61204 at 8:11 am as the cyclist ride on the opposite side of the street the Plaintiff was jogging in. In exhibit R, on the top photo the Plaintiff is jogging on opposite side of the street as the cyclists are keeping to the same lane as exhibit Q. Defendant Sage wrote a time line that appears in the original police report this time line has the accident occurring between 8:11 and 8:15, for the record all depositions Defendant Sage has given has the accident occurring at 8:15am. This time line is exhibit S. Exhibits T and U show the Plaintiff and two cyclists down in the lane opposite to where the cyclist were riding. In exhibit V, after the accident all cyclists are back on the opposite side of the street.

During the civil case in July 2007 twelve cyclist testified that they followed one another at speeds reaching 35 miles an hour.

For reasons only a federal trial will discover, a pedestrian who was jogging for an 1-1/2 was hit by three cyclists knocked unconscious and then charges were filed against him seven days later, for battery 2-counts and a Hate crime. This Court should grant the Plaintiff claims to be heard in her Court.



St
P

[FFBC Home](#)[Rides](#)[Events](#)[Race Team](#)[Club Fo](#)**Fremont Freewheelers Criterium, June 12th, 2004**

The Masters 45/55 field.
(Photo by Iwan Tjioe.)

| [ffbc home](#) | [rides](#) | [primavera](#) | [race team](#) | [pedal pounders](#) | [about us](#) | [club forms](#)

© 2002-04, FFBC RaceTeam
e-mail the **race team webmaster**

[.../2004/Pictures/040612-0811-005.html]: Last ed
Format

Time Table:

7:15 a.m. Jogger is seen on the coarse.

(S)

7:15-8:00 a.m. Jogger is on the course. He is jogger counter to the flow of the race. He is on the inside going opposite direction of the cyclist that are pre-riding the course.

8:00 Masters 45/55 race lines up to start their race. The jogger passes by. Tim O'Hara offers to ask the jogger to jog on the sidewalk.

8:03-8:05 Tim returns to tell the field that the jogger said "fuck you jew".

8:05 The field and the officials decided to go forth and race. They agree to look out for the jogger.

8:06 The race started.

8:11-8:15 The jogger passed by the officials area. The Chief Official notified him about the race and the permits and if he would move to the sidewalk. The jogger only replied with a middle finger.

8:15 - 8:20 Call over the radio the riders had hit the jogger.

8:20 - 8:40 Emergency service is called. The police are first on the scene. Then fire is called along with an ambulance. The police officers start their investigation.

9:00 After everything is cleared the race resumes.

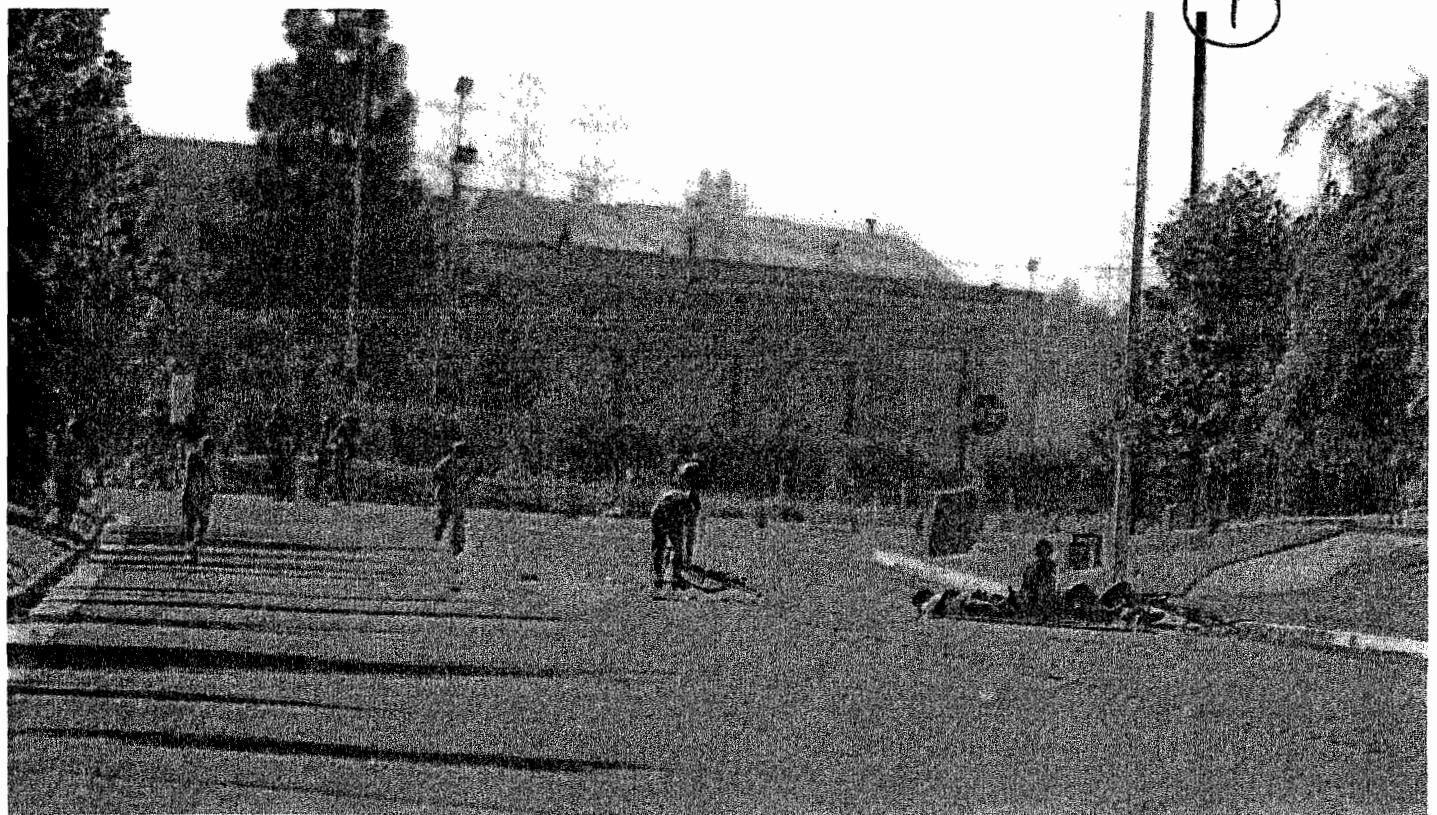
(R)



photo:AbbiOrca.com

Photo: fremont_6_04_R_0526

(T)

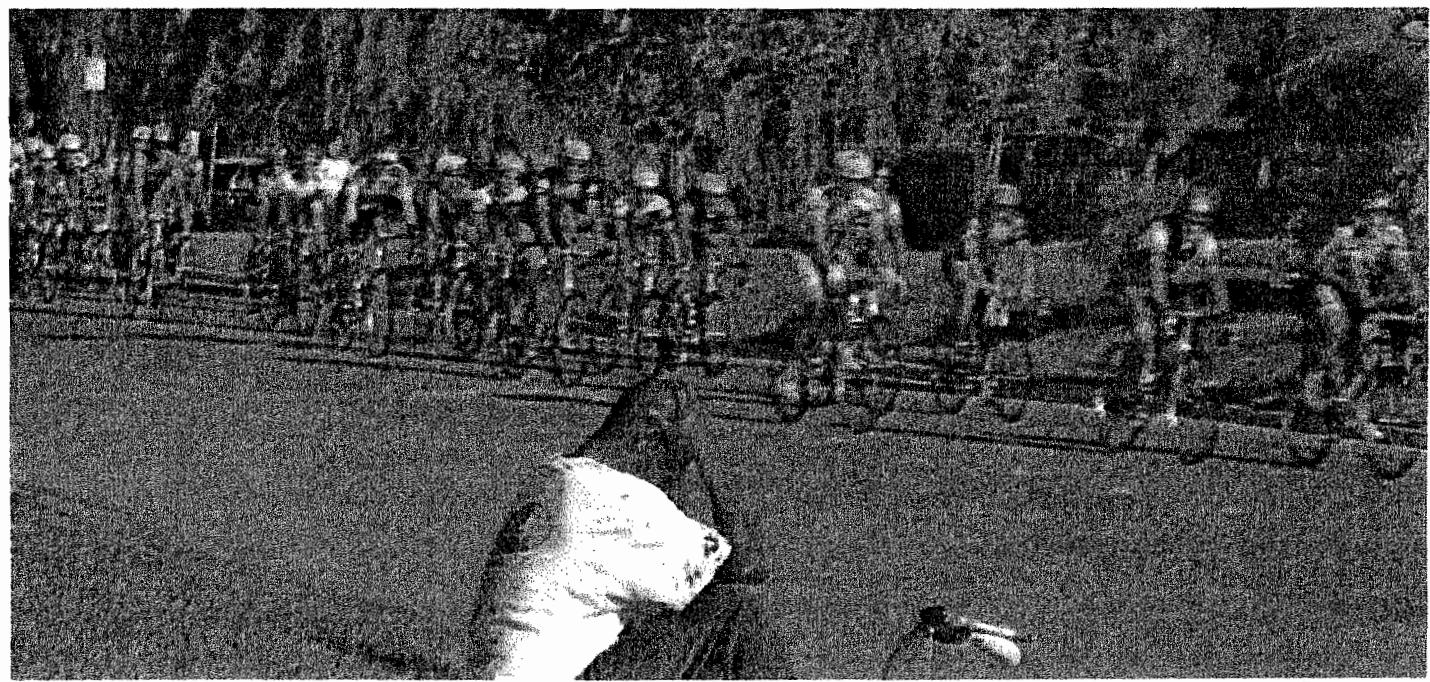


3A

photo: fremont_6_04_R_0527



photo: fremont_6_04_R_0534



(V)

1 The actions of USA Cycling prevented the Newark Police Department and its officers from
2 performing their duties but their active participation resulted in criminal charges and a Hate
3 crime to filed against the Plaintiff. In Trimarco v. Klein NYC 1982 the quintessential test
4 for negligence are when: proof of an accepted practice is accompanied by evidence that the
5 Defendant conformed to it. In Griffin v. Breckenridge, 403 U.S. 88 (1971) a unanimous Court
6 held 42 U.S.C. ss1985 (3) applicable to certain private conspiracies. Justice Steward found "three
7 possible forms for this state action limitation" (1) there must be action under color of state law,
8 (2) that there must be interference with or influence upon state authorities and (3) there must be
9 a private conspiracy so massive and effective it supplants those authorities and thus satisfies the
10 state action requirement.

11 In Exhibit A, the Defendants was represented by David Morris and Associates which performed
12 an investigation on behalf of USA Cycling and forwarded it along with photos to Jason Sage who
13 then forwarded it to the NPD and the Alameda County DA. These actions were done under color
14 of law; as an investigation which influenced state authorities to charge the Plaintiff for a crime,
15 its actions meet limitations (1) and (2). In Exhibit B, David Morris provided the Newark Police
16 Department and Jason Sage with photos with captions. These photos were put on the Fremont
17 Freewheelers web site for other cyclist to view and chat about also as to how their theory of the
18 accident happened. The insured is USA Cycling, it obstructed justice by pretext through their
19 captions on the photos for the purpose of depriving Plaintiff of equal protection of the law.
20 The requirement as an element of cause of action in (3) is an invidiously discriminatory
21 motivation; ss1983 contains language referring to "custom" of the people of the State a wide
22 spread longstanding practice.

23 The Constitutional justification for the application of ss1985 (3) is a right to exercise freedom
24 of assembly and freedom of speech as enjoined by all citizens of the United States. The statutory
25 language in ss1 of the Fourteenth Amendment focus entirely on state action problems and there
26 could be deprivation of the equal protection of the law by private citizens.
27 this statute provides an action for damages for private conspiracies "for purposes of depriving
28 any person or class of persons of the equal protection of the laws, or equal privileges and

1 immunities under the law. When USA Cycling pretext their version of how the accident happened
2 and allowed these conversations to be conducted on their web site along with the pictures it shows
3 a "custom" of the people of the State of California "a wide spread practice" to interject race, in
4 this present case race was used against the Plaintiff to show he hates and was bias towards a race
5 and religious people(s). In Exhibit C, because USA Cycling was a state actor and provided false
6 information to the authorities Plaintiff was charged with a Hate Crime.

7 Title IV (inter alia) authorizes remedial action by the Attorney General (moon beem) against
8 continued discrimination in education, 42 U.S.C. ss2000b-2000c. According to USA Cycling
9 they educate and train cyclist for international competition, see exhibit D.

10 This claim should not be dismissed "color" of state law and whether there is conduct which
11 deprived Plaintiff of equal protection does have an action of recovery of damages occasioned
12 by such injury and deprivation by one or more of the conspirators.

13
14 USA Cycling has been properly served pursuant to Federal Rules of Civil Procedure, Rule 4 (h)
15 (1). According to Plaintiff's Exhibit E, Defendant USA Cycling's agent is Defendant Buffetti
16 as she has the title USCF/NORBA Promoter Service Coordinator. In Exhibit D under purpose,
17 third paragraph last line USCF/NORBA controls a dozen major events and issues permits.

18

19

20

21

22

23

24

25

26

27

28



David Morse & Associates
Insurance Claims Services

sanjose@davidmorse.com
www.davidmorse.com

5369 Camden Avenue, Suite 220A, San Jose, CA 95124
 P. O. Box 190, Monterey, CA 93942-0190

(408) 445-6800
(831) 649-4437

fax (408) 445-6808
fax (831) 649-8824

March 4, 2005

Neal Lopes
6251 Quartz Place
Newark, CA 94560

A

Re: Insured: USA Cycling Inc.
Claimant: Neal Lopes
Date of Loss: 6-12-04
Claim Number: AC00637-03
Our File Number: SJ010-048

Dear Mr. Lopes:

We represent the interests of K&K Insurance in the above captioned claim. They insure USA Cycling Inc. which has a constituent organization known as the Fremont Three Wheeler Criterion.

We have been forwarded your claim against the city of Newark regarding the injuries you sustained on June 12, 2004. We have thoroughly investigated the facts and circumstances regarding this claim and now have enough information upon which to make a liability decision.

We have found no information that places the liability for your injuries on USA Cycling or the Three Wheeler Criterion. In fact, our investigation proves that you were advised many times that the property had been set aside by the cycling club for the purpose of a bicycle race on that day. Instead of allowing the bicycling race to take place without you, you chose to run on the same tracks that the bikes were riding.

As a result, we have advised our principal to deny this claim in its entirety. If you have any information, not already provided that you would like to have us reconsider. Please forward it to the undersigned.

We also wish to advise you that if you feel your claim has been wrongly denied you may

David Morse and Associates Photo Sheet

Insured Name: U.S.A. Cycling, Inc.
Claim #: AC00637-03
Date of Loss: 6/12/2004

DM&A File #: SJ010-048
Date Taken: 6/12/04
Adjuster Name: Chris Capels

Description: Claimant ran out in front of, and into pack of bicycles.



Photo #: 1

View: Claimant is seen jogging against the path of the bicycles.

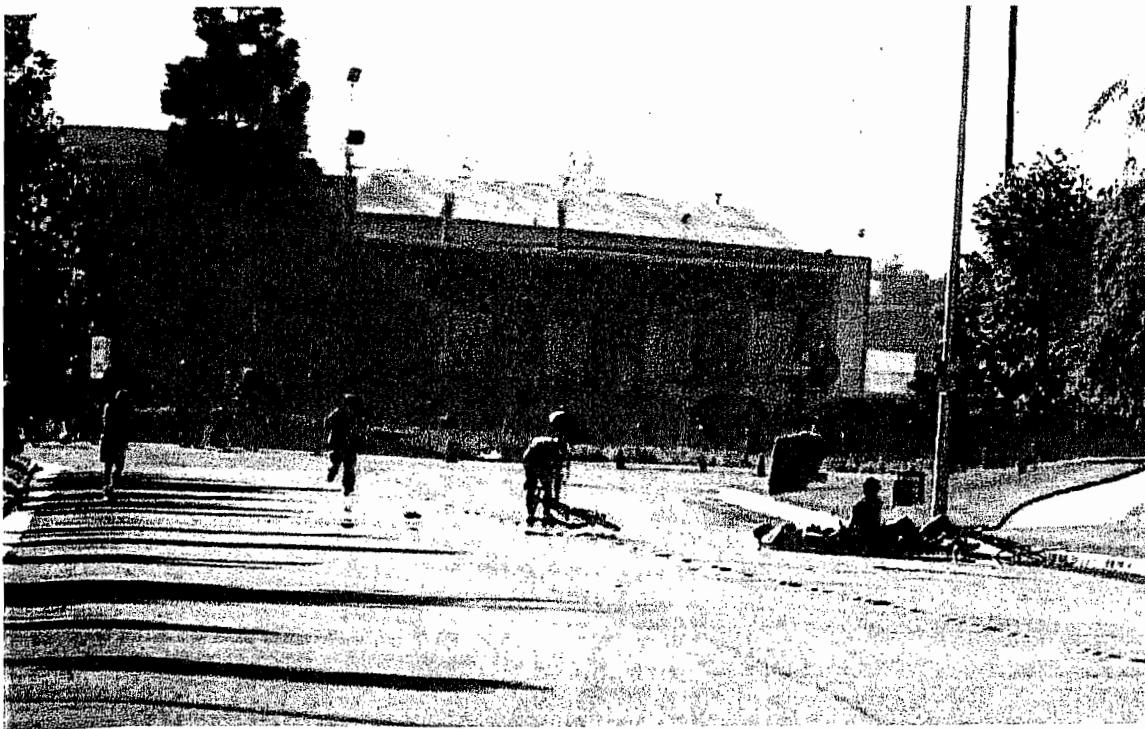


Photo #: 2

View: 3 riders went down in the collision with the claimant.

(B)



AMR

8:31 received call
8:32 arrived to call
9:04 Arrived
at location. Reported

C

NEWARK POLICE DEPARTMENT
INCIDENT REPORT

occurred
when took place PAGE 1 OF 7

OFFICER / BADGE #: WRBN # 66	DATE / TIME REPORTED: 6/12/04 @ 0821	DAY OF WEEK: SAT.	DATE / TIME OF OCCURRENCE: FROM: 6-12-04 @ 0821 To:
LOCATION: 39000 BLOCK OF EUREKA ST.	BUSINESS NAME:	APT:	CITY: <input checked="" type="checkbox"/> NEWARK ZIP: <input checked="" type="checkbox"/> 94560
OFFENSES: P.C. 242	<input type="checkbox"/> ATTEMPT <input checked="" type="checkbox"/> COMPLETED	FORCED ENTRY: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	INVOLVES: <input type="checkbox"/> ALCOHOL <input type="checkbox"/> DRUGS <input type="checkbox"/> COMPUTER
WEAPON / INSTRUMENT USED: <input checked="" type="checkbox"/> NONE	POINT OF ENTRY:	POINT OF EXIT:	HOW LEFT SCENE:
RELATED CASES:	METHOD OF ENTRY		TOTAL LOSS:

OLI-3845

LOCATION TYPE:

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> AIR/BUS/TRAIN TERMINAL (01) | <input type="checkbox"/> DRUG / DOCTORS R OFFICE / HOSPITAL (09) | <input type="checkbox"/> LAKE / WATERWAY (16) | <input type="checkbox"/> SERVICE / GAS STATION (23) |
| <input type="checkbox"/> BANK/SAVINGS & LOAN (02) | <input type="checkbox"/> FIELD / WOODS (10) | <input type="checkbox"/> LIQUOR STORE (17) | <input type="checkbox"/> SPECIALTY STORE (24) |
| <input type="checkbox"/> BAR / NIGHT CLUB (03) | <input type="checkbox"/> GOVERNMENT / PUBLIC BLDG (11) | <input type="checkbox"/> PARKING LOT / GARAGE (18) | <input type="checkbox"/> OTHER / UNKNOWN (25) |
| <input type="checkbox"/> CHURCH / SYNAGOGUE / TEMPLE (04) | <input type="checkbox"/> GROCERY / SUPERMARKET (12) | <input type="checkbox"/> RENTAL / STORAGE FACILITY (19) | <input type="checkbox"/> INDUSTRIAL / MANUFACTUR (26) |
| <input type="checkbox"/> COMMERCIAL / OFFICE BLDG (05) | <input checked="" type="checkbox"/> HIGHWAY / ROAD / STREET (13) | <input type="checkbox"/> RESIDENCE / HOME (20) | <input type="checkbox"/> MOTOR VEHICLES (27) |
| <input type="checkbox"/> CONSTRUCTION SITE (06) | <input type="checkbox"/> HOTEL / MOTEL (14) | <input type="checkbox"/> RESTAURANT (21) | <input type="checkbox"/> OTHER MOBILE (28) |
| <input type="checkbox"/> CONVENIENCE STORE (07) | <input type="checkbox"/> JAIL / PRISON (15) | <input type="checkbox"/> SCHOOL / COLLEGE (22) | <input type="checkbox"/> OTHER RESIDENTIAL (29) |
| <input type="checkbox"/> DEPARTMENT / DISCOUNT STORE (08) | | | |

SPECIAL REPORTING:

- Possible
 DOMESTIC VIOL GANG RELATED HATE / BIAS MOTIVATION HOMICIDE LEOKA SHOP VCIN VICTIM OVER 60

INVOLVED PERSONS

CODE: I - INFORMANT V - VICTIM W - WITNESS S - SUSPECT RP - REPORTING PERSON
 ARREST: N - NONE OV - ON-VIEW W - WARRANT ARREST PC - PROBABLE CAUSE CA - CITIZENS ARREST

STATUS: (1) CITE (2) BOOK (3) OTHER

ADULT DISPO: R - RELEASED T - TURNED OVER TO ANOTHER AGENCY M - MISDEMEANOR F - FELONY
 JUVENILE DISPO: D - HANDLED WITHIN DEPT J - JUVENILE COURT T - TURNED OVER TO ANOTHER AGENCY

CODE: <input checked="" type="checkbox"/> S	ARREST: <input type="checkbox"/> N	STATUS: <input type="checkbox"/> 3	DISPO: <input type="checkbox"/> m	NAME (LAST, FIRST, MI): LOPES, NEAL	RACE: <input type="checkbox"/> B	SEX: <input type="checkbox"/> m	AGE / DOB: 9-11-66
---	------------------------------------	------------------------------------	-----------------------------------	--	----------------------------------	---------------------------------	---------------------------

RESIDENCE ADDRESS: 6251 QUARTZ PLACE	CITY / ZIP: <input checked="" type="checkbox"/> NEWARK 94560	RESIDENCE PHONE: 790-3818
---	--	----------------------------------

BUSINESS / SCHOOL ADDRESS: —	CITY / ZIP: <input type="checkbox"/> NEWARK 94560	BUSINESS PHONE: —
-------------------------------------	---	--------------------------

DL #: U4030960	ST: CA	SSN: —	PFN / LOCAL NBR: —	HEIGHT: 5-10	WEIGHT: 175	HAIR: BLD	EYES: BRN
-----------------------	---------------	---------------	---------------------------	---------------------	--------------------	------------------	------------------

INJURY: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	INJURY DESCRIPTION: TRAUMA TO UPPER LIP (CUT), FOREHEAD (SWOLLEN)	VIC RELATION TO OFFENDER: NONE
---	--	---------------------------------------

HANDCUFFS WERE DOUBLE-LOCKED AND CHECKED FOR TIGHTNESS BY —	TRANSPORTED TO: —	OTHER DESCRIPTION: (SCARS, MARKS, CLOTHING, ETC) —
--	--------------------------	---

CODE: <input type="checkbox"/> V	ARREST: <input type="checkbox"/> —	STATUS: <input type="checkbox"/> —	DISPO: <input type="checkbox"/> —	NAME (LAST, FIRST, MI): PARKER, BOB	RACE: <input type="checkbox"/> W	SEX: <input type="checkbox"/> m	AGE / DOB: 10/24/55
----------------------------------	------------------------------------	------------------------------------	-----------------------------------	--	----------------------------------	---------------------------------	----------------------------

RESIDENCE ADDRESS: 726 HIBISCUS AVE.	CITY / ZIP: <input type="checkbox"/> NEWARK 94560	RESIDENCE PHONE: 408 615-7624
---	---	--------------------------------------

BUSINESS ADDRESS: —	CITY / ZIP: <input type="checkbox"/> NEWARK 94560	BUSINESS PHONE: —
----------------------------	---	--------------------------

DL #: N2677003	ST: CA	SSN: 94	PFN / LOCAL NBR: —	HEIGHT: 6-01	WEIGHT: 180	HAIR: BLK	EYES: BRN
-----------------------	---------------	----------------	---------------------------	---------------------	--------------------	------------------	------------------

INJURY: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	INJURY DESCRIPTION: DISLOCATED SHOULDER (LEFT SIDE)	VIC RELATION TO OFFENDER: NONE
---	--	---------------------------------------

HANDCUFFS WERE DOUBLE-LOCKED AND CHECKED FOR TIGHTNESS BY —	TRANSPORTED TO: —	OTHER DESCRIPTION: (SCARS, MARKS, CLOTHING, ETC) —
--	--------------------------	---

REPORT ROUTING / DISPOSITION

COP: <input checked="" type="checkbox"/> LF	SGTS: <input type="checkbox"/> —	DET: <input type="checkbox"/> —	PC <input type="checkbox"/> 15 FU	JP <input type="checkbox"/> —	CHP <input type="checkbox"/> —	SRV CTR <input type="checkbox"/> —	ENG <input type="checkbox"/> —	AA <input type="checkbox"/> —	COURT <input type="checkbox"/> —	OTHER <input type="checkbox"/> —	Det Info	TOT: 6
---	----------------------------------	---------------------------------	-----------------------------------	-------------------------------	--------------------------------	------------------------------------	--------------------------------	-------------------------------	----------------------------------	----------------------------------	-----------------	---------------

INVESTIGATIVE STATUS: (** REQUIRES DISPO) <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> INACTIVE <input type="checkbox"/> ** UNFOUNDED <input type="checkbox"/> ** CLEARED BY ARREST / EXCEPTION <input type="checkbox"/> ** CLOSED - ACTION COMPLETED	CASE DISPOSITION: (CHECK ONLY ONE) <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> ACTION COMPLETED <input type="checkbox"/> EXCEPTION - DEATH OF OFFENDOR <input type="checkbox"/> EXCEPTION - PROSECUTION DECLINED <input type="checkbox"/> EXCEPTION - EXTRADITION DECLINED <input type="checkbox"/> EXCEPTION - VICTIM REF TO COOPERATE <input type="checkbox"/> EXCEPTION - JUVENILE / NO CUSTODY
---	---

REVIEWED BY: OLI	ASSIGNED TO: OLI	FOLLOW-UP DUE: 6/18/04	DATE REC'D IN RECORDS: 6/18/04	DATA ENTRY: OLI
-------------------------	-------------------------	-------------------------------	---------------------------------------	------------------------

About USA Cycling



The company was organized in 1920 as the Amateur Bicycle League of America and was incorporated in New York in 1921. In 1975, the name was changed to the United States Cycling Federation. In 1995, a new organization, USA Cycling, was incorporated in Colorado, and on July 1, 1995, the two corporations merged, with USA Cycling being the umbrella corporation.

Since the creation of the modern bicycle, the United States has been a dominant force in cycling competition. Before World War II, cycling was second only to baseball as a national sporting pastime. Following a period of decline in the 1950s and '60s, cycling regained its popularity and today is the fastest-growing amateur participation and spectator sport. Studies show that more than 99 million Americans are active in cycling. Research further indicates that these people spend more than \$4 billion annually to participate in the sport of cycling, and that these expenditures will likely double over the next several years.

Purpose

USA Cycling is the official cycling organization recognized by the USOC and is responsible for identifying, training and selecting cyclists to represent the United States in international competitions. USA Cycling, doing business as the USCF, NORBA and USPRO, controls nearly two dozen major events each year and issues permits for up to 3,000 more.

The major activities of USA Cycling ensure the ongoing development and safe participation in the sport of cycling. Membership services and a full spectrum of other responsibilities account for the functions of USA Cycling.

Individual members elect a board of trustees that oversees their respective association, and that board elects two of its members to sit on the board of directors, which sets USA Cycling goals and policies. The members of each association also directly elect an active athlete to sit on the board. The corporation's business is conducted by a paid professional staff, which is overseen by the executive director. Staff members are responsible for administration, coaching and athlete services, Olympic preparation, technical services, membership services, corporate development, sport science research, event planning, media coverage and public relations.

From: "Sage, Jason" XXXXXXXX@XXXXXXX.XXX
MIME-Version: 1.0
Mailing-List: list ffbc-rt-promotion@yahoogroups.com; contact ffbc-rt-promotion-owner@yahoogroups.com
Delivered-To: mailing list ffbc-rt-promotion@yahoogroups.com
Precedence: bulk
List-Unsubscribe: <mailto:ffbc-rt-promotion-unsubscribe@yahoogroups.com>
Date: Thu, 17 Jun 2004 15:44:30 -0500
Subject: [ffbc-rt-promotion] FW: Fremont Crit
Reply-To: ffbc-rt-promotion@yahoogroups.com
Content-Type: text/plain; charset=US-ASCII
Content-Transfer-Encoding: 7bit
X-AntiVirus: scanned for viruses by Amavis 0.2.1 (<http://amavis.org/>)

An FYI.
JS

-----Original Message-----
From: Buffetti, Linda XXXXXXXX@XXXXXXX.XXX
Sent: Thursday, June 17, 2004 1:40 PM
To: Sage, Jason
Subject: RE: Fremont Crit

Hi Jason,

Casey notified me on Monday about this bizarre event. I notified the insurance companies the same day. Just send me the 1st reports of occurrence and the waivers and police report if you have it.

Thank you and I am so sorry about this.
Linda

Sincerely,
Linda Buffetti
USCF/NORBA Promoter Services Coordinator
CA, NV, CO, AZ, NM, AK, HI
1 Olympic Plaza
Colorado Springs, CO 80909
(719) 866-3295 (voice)
(719) 866-4628 (fax)

A handwritten signature of the name "Linda Buffetti" enclosed within a circle. The signature is written in a cursive style.

1 Defendant Buffetti conspired to conduct and participate in the affairs of an enterprise through
2 the pattern of racketeering activities in violation of 18 U.S.C. ss1982 (d). The enterprise for
3 the purposes of illegally committing fraud by utilizing email to defraud the insurance company
4 and influencing the outcome of a state court proceeding. This claim is based on the denial
5 of due process rights of a non-profit agency. Due process in this claim speaks most obviously to
6 procedure, especially of criminal procedure required under the Fourteenth Amendment.
7 When Defendant Wren took the stand in 2007 as a witness for the Defendants in a civil claim
8 it was then that the depravation occurred. That's when Plaintiff found out no Miranda warning
9 was given to him by the NPD; also Defendants Sage, Brockie, Buffetti and others had been
10 given the task to perform an investigation and turn it over to the NPD and Defendant Wren.
11 Around that same period Plaintiff found out that Defendant Buffetti informed Defendant Sage
12 Chub Medical policy number 64780661 had paid for medical expenses for several cyclists injured
13 up to \$25,000. Moreover, K&K Insurance the event insurance under USA Cycling provided
14 coverage to those cyclists as well. HRH was the broker for USCF, for which Defendant Buffetti
15 was the promoter and service coordinator for. See Exhibit E and F.
16 In Exhibit E Defendant Buffetti communicated with Defendant Sage Exhibit G, to defraud the
17 insurance companies mentioned above, this was to assure the cyclist were compensated and by
18 denying the Plaintiff this same rights and privileges as all citizens see exhibit A, they denied the
19 Plaintiff his due process rights.
20 This Court should not dismiss this federal civil rights claim. Plaintiff was denied a fair trial
21 which is a fundamental principle of liberty and justice. In Madden v. Kentucky, 309 U.S. 83
22 1940, the due process and equal protection clauses apply to any "person" and now read to
23 include corporations.

24

25

26

27

28

[ffbc-rt-promotion] my Action Items

- Richard.M.Brockie@seagate.com

"Sage, Jason" <jsage@allstate.com>
No Phone Info Available

To:
<ffbc-rt-promotion@yahoogroups.com>

06/21/2004 11:48 AM
Please respond to ffbc-rt-promotion

cc:
Subject: [ffbc-rt-promotion] final version

Okay here is the final version. Any suggestions please make so I can have the final at the meeting. I want to send out the letter via e-mail to the club, team and an edit version to the NCNCA list. I figure we could talk about this at the meeting.

Thanks
JS

-----Original Message-----

From: Sage, Jason
Sent: Monday, June 21, 2004 11:23 AM
To: Promotion (E-mail); Wilsonsd@Earthlink.Net
Subject: [ffbc-rt-promotion] insurance information

Okay spoke with Linda at USCF.
We have three carriers through them.
1. K and K. Actual event. Called but out to lunch. 1-800-3994.
Will provide further details.

2. HRH - Broker for USCF.
Kathy Sechrist 806-376-4761. Called and left a message.

3. Chub Medical. They handle the medical portion of the claim.
Donna Herron 1-800-252-4676 ext 4232
Policy number 64780661

They provided Excess coverage up to 25K. Whomever is injured, their primary, i.e. Kaiser, would be the first. If it goes over Chub would step in. They have a 1,000 integrated policy, meaning a deductible. So an injured rider's primary would pay the first 1,000. This all depends on the case and other factors.

If a rider has no primary then they would step in.

JS

(F)

Yahoo! Groups Links

-----Original Message-----
From: Sage, Jason XXXXXXXX@XXXXXXX.XXX
Sent: Thursday, June 17, 2004 12:36 PM
To: Buffetti, Linda
Subject: Fremont Crit

Hi Linda, this is Jason Sage, promoter for the Fremont crit. Just wanted to e-mail you regarding the incident we had with the jogger. I wanted to know how in the insurance company would be contacted and what is the game plan. I also wanted to inform you of our game plan.

Thank you
Jason Sage

----- Yahoo! Groups Sponsor ----->
Make a clean sweep of pop-up ads. Yahoo! Companion Toolbar.
Now with Pop-Up Blocker. Get it for free!
<http://us.click.XXXXXXX.XXL5Yrja/eSIIAA/yQISAA/vOUo1B/TM>----->

Yahoo! Groups Links

- <*> To visit your group on the web, go to:
<http://groups.XXXXXXX.XXXgroup/ffbc-rt-promotion/>
- <*> To unsubscribe from this group, send an email to:
ffbc-rt-promotion-unsubscribe@yahoogroups.com
- <*> Your use of Yahoo! Groups is subject to:
<http://docs.XXXXXXX.XXXinfo/terms/>

From - Thu Jun 17 19:47:02 2004
X-Mozilla-Status: 0018
X-Mozilla-Status2: 00000000
Return-Path: XXXXXXXX@XXXXXXXX.XXX
Delivered-To: XXXXXXXX@XXXXXXXX.XXX
Received: (qmail 24901 invoked from network); 17 Jun 2004 20:55:22 -0000
Received: from unknown (HELO mx3.123-reg.co.uk) (212.67.202.233)
by 192.168.8.25 with SMTP; Thu, 17 Jun 2004 20:55:22 +0000
Received: from [66.218.66.78] (helo=n22.grp.scd.XXXXXXX.XXX



1 Defendant Birch was an office with the Fremont Freewheels Bike Club in 2004, he was on the
2 Board of directors as the race team director and race team liason, see exhibits H , I and J. This
3 Defendant was properly served, Plaintiff excepts defense counsels challenge from line 13 of his
4 points and authorities page 6. This Court should not dismiss this federal claim.

5 Defendant Tim O'Hara was properly served as specified in Code of Civil Procedure Section
6 415.20 (a) by leaving a copy of the summons and complaint during office hours, (b) a summons
7 may be served on an unusual mailing address which was the guards shack, they except services
8 there for residents. 415.2(a) Plaintiff was granted access to the gated community but when
9 Defendant O'Hara was not home the guard informed me they except packages for residences and
10 are authorized to sign for them. Plaintiff put a copy of the complaint and summons in the mail
11 first class, service of the summons and complaint should be deemed complete upon the
12 Defendant.

13 Defendant Brockie was served by a server who was told by the Security Officers in building A, of
14 his employer that the gentleman at the counter would except the service and then give it to
15 Defendant Brockie. Upon serving the person at the counter a copy of the complaint was put in
16 the mail and therefore under Cal Civil Code 415.20, Defendant was served.

17 Defendant Wilson was served in accordance with 415.20 (a) by leaving a copy of the complaint
18 with the secretary and mailing copies of the complaint and summons in accordance with 415.20 of
19 Cal Civil Code.

20 The depravation the Defendants caused the Plaintiff began when officer Wren testified in 2007
21 the Plaintiff was not given the Miranda rule. Also, the officer testified the Plaintiff was a
22 suspect that day, and there was no investigation as alleged in the police report, see exhibit K.
23 The statutes of limitations began July of 2007 when the officer opened his mouth and couldn't
24 remember the lie he wrote in the police report dated June 2004.

25 The claims regarding the Fremont Freewheelers are claims of civil rights violation, no such
26 claim was before state court as mentioned in defense counsels page 12 of its points and
27 authorities, because state courts do not deal with constitutional violations. This Court must
28 grant access to the Plaintiff to be heard on, of the violations of his civil rights by the Defendants.



Fremont Freewheelers Bicycle Club

2004 Club Officers

FFBC Board Meeting

1st Thursday of the month. 6:30 P.M. @ Club Sport Fremont. I-880 @ Warren/Mission Blvd. Exit West.

[FFBC Home](#) — [Rides](#) — [Events](#) — [Race Team](#) — [Club Forms](#) — [About](#)

President	<u>Sally Wilson</u>	510.797-6515
Vice President	<u>Ron Drummond</u>	510.795-8994
Secretary	<u>Shirley Syed</u>	510.796.2890
Treasurer	<u>Carrie Payne</u>	510.795-1802
Ride Coordinator	<u>Darryl Wilson</u>	510.797-6515
Race Team Director	<u>Garry Birch</u>	925. 556.1564
Race Team Liaison	<u>Garry Birch</u>	925. 556.1564
Director at Large	OPEN	
Pedal Pounders	<u>Shelley Wills</u>	510.651.0635
Membership	<u>Max McClanahan</u>	510-713-9448
Newsletter Printing and Distribution	<u>Louis & Sydney Friedenberg</u>	510.793.3796
Club Clothing Sales	<u>Neil & Molly Michelfelder</u>	510.797.6458
Newsletter Editor	<u>Marty Hawn</u>	510.651.4056
Primavera 2004 Co- Coordinator's	<u>Valdez Hill</u>	510.744-9921
	<u>Mark Neer</u>	1.408.251-4555
Web Master	<u>Valdez Hill</u>	510.744-9921
Bicycle Education Committee Chair	<u>Eric Dittmar</u>	510.791.1758
EBBC Rep.	<u>Ken Goldman</u>	510.790-9105

**Fremont
Freewheelers
Bicycle
Club**

2005 Club Officers

(I)

FFBC Board Meeting



1st Thursday of the month, 6:30 P.M. @ Club Sport
Fremont, I-880 @ Warren/Mission Blvd. Exit West.

FFBC Home	Rides	Events	Race Team	Club For
-----------	-------	--------	-----------	----------

President	<u>Sally Wilson</u>			510.797.6515
Vice President	<u>Ron Drummond</u>			510.795.8994
Secretary	<u>Gary Smith</u>			510.797.7809
Treasurer	<u>Carrie Payne</u>			510.795.1802
Ride Coordinator	<u>Maurizio Gavardoni</u>			408.392.0715
Race Team Director	<u>Richard Brockie</u>			650.868.3346
Race Team Liaison	<u>Richard Brockie</u>			650.868.3346
Director at Large	<u>Mike Northrup</u>			510.796.8832
Pedal Pounders	<u>Mark Davis</u>			510.573-0184
Membership	<u>Dave Ransom</u>			510.796.1258
Newsletter Printing and Distribution	<u>Dave Ransom</u>			510.796.1258
Club Clothing Sales	<u>Neil & Molly Michelfelder</u>			510.797.6458
Newsletter Editor	<u>Brad Baldwin</u>			510.795.7365
Primavera Chair	<u>Mark Neer</u>			1.408.251-4555
Web Master	<u>Valdez Hill</u>			510.794.4474
Bicycle Education Committee Chair	<u>Eric Dittmar</u>			510.791.1758
EBBC Rep.	<u>OPEN</u>			

Fremont Freewheelers Bicycle Club - FFBC

Page 1 of 1

[FFBC Home](#)[Rides](#)[Events](#)[Race Team](#)[Club Forms](#)[About Us](#)

**Fremont
Freewheelers
Bicycle
Club**

About Us



The Fremont Freewheelers Bicycle Club (FFBC) is a non-profit club organized for the purpose of promoting all facets of bicycling. FFBC includes leisure, recreational, touring and racing, always with an emphasis on bicycle safety and education.

FFBC is a member of numerous local, state and national bicycle organizations which promote and protect the rights and welfare of bicycling enthusiasts. These organizations include the East Bay Bicycle Coalition (EBBC), California Association of Bicycle Clubs (CABO), Santa Clara Valley Bicycle Organization (SCVBA) and the United States Cycling Federation (USCF).

For over a quarter century FFBC has been the proud sponsor of the popular *Primavera* bicycle tour. The *Primavera* is a classic bicycle tour of the local area with four different distances: 100 miles (Century), 100 k, 70 k and 25 miles. The *Primavera* is held on the third Sunday in April every year.

FFBC also sponsors an annual ride series designed to introduce bicycling to women. The *Cinderella Training Rides* were originally organized by a group of women in FFBC and are geared toward the completion of the women-only Cinderella 100 k ride sponsored every year by the *Valley Spokesmen Bicycle Club*. Many of the women who have participated in the *Cinderella Training Rides* have gone on to become active, cycling members of FFBC and the cycling community in general.

A club newsletter, *The SPOKE'NTRUTH*, is published monthly which provides information on club activities including a complete schedule for the coming month for both road and off road (mountain bike) rides. Rides are scheduled for all levels of riding, from beginning, intermediate and advanced.



| [ffbc home](#) | [rides](#) | [primavera](#) | [cinderella training rides](#) | [race team](#) | [pedal pounders](#) | [about us](#) | [club forms](#) | [photo album](#) |

last updated: 03/07/2003

e-mail the webmaster

Event Chronology

Event Number: P2004017724

<u>Date</u>	<u>Time</u>	<u>Term</u>	<u>Operator</u>	<u>Action</u>
06/12/04	08:21:55	hotseat	10614	EVENT CREATED: , Cross Streets= STEVENSON / EUREKA , Call Source= PHONE , Event Type= 1183 - (P) - ACCIDENT - NO DETAILS Agency= POLICE , Group= PD , Beat= 2 , Status= A , Priority= 1 , ETA= 0 , Hold Type= 0 , Disposition= ASSNCASE , Primary Unit= 1D35 , Primary Member= 10496 , Current= F , Open Current= F EVENT COMMENT= BIKE RACE BIKE VS PED
06/12/04	08:22:02	hotseat	10614	Unit= 2D67 , Status= DP , Location= STEVENSON/EUREKA , Employees= 11244 Unit= 2D62 , Status= DP , Location= STEVENSON/EUREKA , Employees= 10932 Unit= 1D35 , Status= DP , Location= STEVENSON/EUREKA , Employees= 10496 Unit= 1D35 , Status= AR , Location= STEVENSON/EUREKA , Employees= 10496 Unit= 2D62 , Status= AM , Location= STEVENSON/EUREKA , Employees= 10932 Unit= 2D67 , Status= AR , Location= STEVENSON/EUREKA , Employees= 11244 EVENT COMMENT= 67/PD
06/12/04	08:22:58	hotseat	10614	EVENT COMMENT= FIRE/AMR FOR HEAD INJURY
06/12/04	08:23:01	hotseat	10614	CROSS REFERENCED TO EVENT= F2004001275
06/12/04	08:24:52	hotseat	10614	EVENT COMMENT= PD TO FLAG IN
06/12/04	08:27:48	hotseat	10614	SUPP INFO CREATED: PERSO: Name= LOPES,NEAL , Sex= M , Height= 0 , Weight= 0 , Age= 0 , DOB= 091166
06/12/04	08:28:42	hotseat	10614	Unit= 1D35 , Status= ~ , Location= STEVENSON/EUREKA , Employees= 10496 Unit= 2D67 , Status= ~ , Location= STEVENSON/EUREKA , Employees= 11244 Unit= 1D35 , Status= CU , Comment= Alarm Timer Extended: 0 , Location= STEVENSON/EUREKA , Employees= 10496
06/12/04	08:29:14	hotseat	10614	Unit= 2D67 , Status= CU , Comment= Alarm Timer Extended: 0 , Location= STEVENSON/EUREKA , Employees= 11244
06/12/04	08:29:20	backup	10577	
06/12/04	08:30:04	hotseat	10614	
06/12/04	08:34:00	hotseat	10614	
06/12/04	08:53:01	hotseat	10614	CASE NUMBER ASSIGNED= R200403845
06/12/04	08:57:51	hotseat	10614	EVENT COMMENT= CS 242
06/12/04	08:58:54	hotseat	10614	Unit= 1D35 , Status= AM , Location= STEVENSON/EUREKA , Employees= 10496 Agency= POLICE , Group= PD , Beat= 2 , Status= A , Priority= 3 , ETA= 0 , Hold Type= 0 , Disposition= ASSNCASE , Primary Unit= 1D35 , Primary Member= 10496 , Current= T , Open Current= F
06/12/04	09:00:15	hotseat	10614	EVENT CLOSED:
06/12/04	09:02:17	hotseat	10614	Unit= 2D67 , Status= AM , Location= STEVENSON/EUREKA , Employees= 11244 CROSS REFERENCED TO EVENT= P2004017870
06/12/04	09:07:42	hotseat	10614	
06/13/04	01:57:21	hotseat	10614	



1 The Alameda County D.A.'s claims should not be dismissed because of the lasting lynching
2 effects upon the Plaintiff. In exhibit L, Plaintiff was charged with 2-counts of PC 242 on docket
3 number 209109 on 7/21/04 by the Newark Police. See exhibit L.

4 In exhibit M, the Plaintiff obtained from the California Department of Justice on 2007 a copy
5 of the state's official history of these charges and was surprised to see under the same docket
6 number 209109 on 8/0/2004. The Plaintiff was charged with 2-counts of domestic violence
7 and arrested.

8 In exhibit N, the County of Alameda Corpus shows the Plaintiff charged with 2-counts of
9 PC 242 under docket number 209109.

10 For the record the Plaintiff was never arrested by any agency but was told by the Criminal
11 Court that pictures and prints were required so the Plaintiff went to the Fremont Police
12 Department to comply with the Court order and did so, this was on 8/9/2004.

13 Plaintiff was never shown photo's by the DA as a matter of fact Attorney's Harry Traback,
14 Attorney's Schnayerson, Mockus and Martinez were my criminal attorney's during this time
15 and they were also told by Defendant Petegrew and Masic no photo's existed eleven months
16 later did those people in the d.a.'s office reveal to Mr. Traback my attorney it had photos. See exhibit
17 O.

18 This court must not dismiss the claims against the alameda county d.a because the civil rights
19 violations were discovered in July of 2007 when Defendant Wren took the stand for the state and
20 couldn't remember his lie, it is the diligence of the Plaintiff and the belief the "freedom" which
21 keeps his claims alive. I look forward to clearing my name and changing working towards
22 changing California law as it applies to citizens being charged and tried for crimes they did not
23 commit.

24

25

26

27

28

Complaint
John Lopez

ARRAUNT OF ARREST

FREMONT HALL OF JUSTICE
39439 PASEO PADRE PKWY., FREMONT, CA 94538
THE PEOPLE OF THE STATE OF CALIFORNIA

VS.

(L)

DOCKET NUMBER: 209109

DEN: 4267588

PPN: DPH278

DEPT NO: 607

REPORT NO: NPD04-3845

WCD: 07/01/09

DEFENDANT: NEAL LOPEZ
EVENT NAME: NEAL LOPEZ
PPN NAME:

DOB: 09/11/66 RACE: B SEX: M HT: 510 WT: 175 REPORT NO: NPD04-3845
HAIR: OO EYE: BR BALD: GLASS: MAR: POB:

SALIENT CHAR:

ADDRESS: 6251 QUARTZ
C-S-Z: NEWARK, CA 94560

TELEPHONE NO:

AREA CODE:

EMPLOYER:

DLN: CAU4030960 SSN:
CII: FBI:

MISDEMEANOR

WARRANT OF ARREST

THE PEOPLE OF THE STATE OF CALIFORNIA, TO ANY PEACE OFFICER IN THIS STATE:

A COMPLAINT UPON OATH HAVING BEEN MADE BEFORE ME THAT THE OFFENSE(S) OF
PC 242 M, PC 242 M
HAVING BEEN COMMITTED, AND ACCUSING NEAL LOPEZ
THEREOF.

YOU ARE COMMANDED FORTHWITH TO ARREST THE ABOVE NAMED DEFENDANT, AND TO BRING
SAID DEFENDANT FORTHWITH BEFORE THE ABOVE ENTITLED SUPERIOR COURT.

DEFENDANT MAY BE ADMITTED TO BAIL IN THE AMOUNT OF: \$3000.00

 MAY BE SERVED DAY OR NIGHT CASH BAIL ONLY DAY SERVICE ONE HOUR MAXIMUM 10 PM EXTRADITE/NOT LIMITED TO CALIF

DATED: 7-21-2008

JUDGE

*****
RETURN OF PEACE OFFICER

I CERTIFY THAT I RECEIVED THE WITHIN WARRANT ON _____
THAT I SERVED THE SAME BY ARRESTING THE WITHIN NAMED DEFENDANT ON _____
AND THAT I HAVE BROUGHT SAID DEFENDANT INTO COURT
ON _____

NAME AND TITLE OF PEACE OFFICER

OFFICER OR DEPUTY

UPON ADMISSION TO BAIL, SET APPEARANCE FOR NEAREST DAY THAT WILL ALLOW RECEIPT
OF BOTH WARRANT AND BAIL BY THIS COURT. TIME: 9:00 AM ON ANY DAY, MONDAY
THROUGH FRIDAY, EXCEPT HOLIDAYS.

DATE:20040922 TIME-13:31:50 PAGE:004
 CII NUMBER:A07812141 NAME:EVANS,CONRELIUS JOHN III

CRIMINAL HISTORY TRANSCRIPT FOR OFFICIAL USE ONLY
 UNAUTHORIZED USE IS A CRIMINAL OFFENSE

DATE	AGENCY/FILE NUMBER	NAME	COUNT	ACTION
20011012				-CONV SET ASIDE & DISM PER 1203.4 PC

ARREST/DETAINED/CITED 20040809 CASOOAKLAND 010ARA413-010ARA413	DOB:19660911 06 01 -BENCH WARRANT 242 PC-BATT:NONCOHABITATING FORMER SPOUSE/ETC WARRANT #209109 ARRESTED BY: CAPDNEWARK
	02 -BENCH WARRANT 242 PC-BATT:NONCOHABITATING FORMER SPOUSE/ETC WARRANT #209109 ARRESTED BY: CAPDNEWARK

COM:
CNT01 NUM- T01430

ADR:
080904 (6251, QUARTZ,,, NEWARK,
CA, 94560,)

SCN:
01942220009



California Penal Code Section 11125 states:
 "No person or agency shall require or request another person to furnish a copy of a record or notification that a record exists or does not exist, as provided in Section 11124. A violation of this section is a misdemeanor."

Dated: SEP 24 2004

* * * *

ALAMEDA COUNTY CORPUS EVENTS AS OF 04/20/05 1047 TERM MSF4 PAGE 1
 REQUESTED FOR: TEG4372 CRIM HIST FRT CTR INFO PFN: ARA413
 NAME: EVANS, CORNELIUS JOHN

SEX RACE DOB POB HGT WGT HAIR EYES YRCO YRCA YADR CITIZEN CII: 07812141
 M B 09/11/66 CT 510 175 00 BR 80 80 YES FBI: 222216EA5

CHARACTERISTICS OCCUPATION EMPLOYER - SINCE DLN: CAU4030960
 GENERAL MGR LARRY'S CONVECT 91 SSN: 563-63-0697
 2 MORE SSNS

ADDRESS CITY STATE ZIP PHONE
 6251 QUARTZ NEWARK CA 94560 763-1514

ALIASES: LOPES, NEAL
 LOPES, NEAL JOHN
 EVANS, CONRELIUS JOHN
 EVANS, CONRELIUS JOHN 3

PERSON STATUS: NOT KNOWN TO FORMAL PROBATION
 NOT IN CUSTODY

----- * * * * * ACTIVE * * * * * -----
 EVENT NAME: LOPES, NEAL
 EVENT 08/09/04 1437 NEWARK PD CEN: 4267588
 BOOKING 08/09/04 1457 NEWARK PD RPT NO.: NPD04-3845
 CUSTODY STATUS: IDENTIFIED AND RELEASED
 1) PC 242 M CRT DOCKET: 209109 -NO DATA
 2) PC 242 M CRT DOCKET: 209109 -NO DATA

DKT NAME: DCCO:
 COMP FILED 07/16/04 FREMONT HALL OF JUSTICE DOCKET: 209109
 LAST CRT 04/20/05 DISP DEPT: 607
 *PENDING 04/26/05 RHG DEPT: 607 TIME: 0900
 BAIL STATUS: OWN RECOGNIZANCE BAIL:
 DFNS ATTY: TRABACK
 1) PC 242 M ENTERED AT BOOKING -NO DATA
 2) PC 242 M ENTERED AT BOOKING -NO DATA



Neal Lopes
5/4/05 8:20:23 AM
Docket# 209109

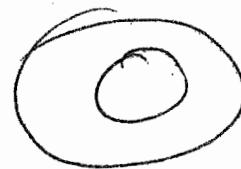
Shara Mesic

I would like to get a copy of the CD that contains the pictures from the police report date 6/12/04 from the courts docket # 209109. On 5/3/05 my attorney received for the first time several pictures from this CD, I would like to see all the pictures on the CD or get a full copy of the CD. My next court date is 5/26/05, I can pick up the CD from your office or you can mail it to my attorney.

Regards,



Neal Lopes



5/4/05 faxed to

Shara